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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/602,877  | 06/25/2003  | Henri Rancon         | P23812              | 2250             |
| 7055  | 7590        | 11/29/2004           | EXAMINER            |                  |
| GREENBLUM & BERNSTEIN, P.L.C.<br>1950 ROLAND CLARKE PLACE<br>RESTON, VA 20191 |             |                      |                     | KLEBE, GERALD B  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
|   |             | 3618                 |                     |                  |

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                  |
|------------------------------|-----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.             | Applicant(s)     |
|                              | 10/602,877                  | RANCON ET AL.    |
|                              | Examiner<br>Gerald B. Klebe | Art Unit<br>3618 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply:

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 10,11,21 and 22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,12-19 and 23-28 is/are rejected.
- 7) Claim(s) 9 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*G.B.Klebe  
21 November 2004*

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Amendment*

1. The amendment filed 10/07/2004 under 37 CFR § 1.111 has been entered. Claims 1-28 are pending in the application, claims 10-11 and 21-22 being withdrawn as reading on a non-elected species.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 12-15, and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Daunis (FR 2581322), cited by Applicant.

Daunis discloses a gliding apparatus comprising: (re:independent claims 1, 12, 24, and

27)

a support surface (Fig 1 ; item 10);

a gliding surface (Fig 1; item 1);

the support and gliding surfaces being opposite one to the other, providing a spacing therebetween (as shown in Fig 1); and, (re: the limitations also of dependent claim 26)

the support and gliding surfaces substantially having the same length (as shown in Figs 2-

4) (also claimed in independent claim 23 );

the support surface (10) being wider than the gliding surface (1); and,

a closed volume is demarcated between the support and gliding surfaces (refer Fig 1, the volume 11, clearly being closed); and,

**(re: the further limitation(s) of claim 12 and claim 28)** the support surface (10) having opposed lateral edges projecting transversely beyond the gliding surface (item 1; and refer Fig 1); and,

**(re: the further limitation(s) of independent claim 24)** in transverse cross section the support surface extends from a first lateral edge (taken as the left edge, near item 8) through a central portion, to an opposite second lateral edge (taken as the right edge; near 9); and, **(re: the further limitations of independent claim 24 and claim 25)** with the gliding surface (1) being supported upon a horizontal surface, the first and second lateral edges are spaced vertically from the gliding surface no less than is the central portion of the support surface spaced vertically from the gliding surface (as seen in Fig 1); and,

**(re: the further limitation(s) of independent claim 27)** the support surface having a first shovel (Fig 3, item 12) and a second shovel (Fig 2, items 14 and 14); and,

the gliding surface (1) having a first shovel and a second shovel; and,

**(re: claims 2 and 13)** wherein a fist shovel of the support surface and a first shovel of the gliding surface meet (as shown in Fig 3); a second shovel of the support surface and a second shovel of the gliding surface meet (as shown in Fig 3); a first lateral side edge (6) connects a first edge of the gliding surface to a connecting surface (4) of the support surface (10); and a second lateral side edge connects a second edge of the gliding surface (1) to the connecting surface of the support surface; and,

(re: claims 3 and 14) wherein the first and second shovels are respectively tangent one to the other and coupled to the other (as shown in Fig 3, at 12, 14, and 15); and,

(re: claims 4 and 15) wherein the first shovel (at 12) comprises a curved portion having center(s) of curvature on the side of a top of the support surface (as seen in Fig 3).

4. Claims 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouvet (FR 2427832), cited by Applicant.

Bouvet discloses a gliding apparatus comprising:

(re: claim 12)

a support surface (taken as the top of the support 20);

a gliding surface (5);

the support surface and gliding surface being opposite one to the other providing a spacing therebetween (refer Fig 2);

the support surface having opposed lateral edges projecting transversely beyond the gliding surface (refer Fig 3); and,

a closed volume demarcated between the support and gliding surfaces (refer Figs 3 and 4); and,

(re: claim 16) a support cover (3; refer Fig 3) is affixed to a stop of the support surface.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daunis (FR 2581322), cited by Applicant in view of Bouvet (FR 2427832), cited by Applicant.

As discussed above, Daunis discloses all of the features of the invention of claim 1 from which claim 5 depends and all of the features of claim 12 from which claim 16 depends.

**Regarding the limitations of claims 5 and 16,** Daunis is silent regarding provision of a support cover affixed to a top of the support surface.

However, Bouvet teaches a gliding board apparatus having a support surface (taken as the top of item 20, in Fig 3) and a gliding surface (6) separate from the support surface wherein a support cover (3) is affixed to a top of the support surface (20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the gliding board apparatus of Daunis to include a support cover affixed to a top of the support surface in accordance with the teachings of Bouvet in order to provide additional protection from wear and tear on the support surface during life-cycle use.

7. Claims 6-8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daunis (FR 2581322), cited by Applicant.

**Regarding the limitations of claims 6-8 and 17-19,** Daunis (refer Fig 1) discloses a longitudinal groove provided in the center of the bottom of the gliding surface (taken as the rectangular notch, not separately numbered, shown in the bottom of item 1) but lacks explicit disclosure of a plurality of (three) grooves (claims 8 and 19) being provided on a side (claims 6 and 17) of the bottom of the gliding surface and providing (re: claims 7 and 18) that the grooves

extend both along a central portion of the gliding surface and partially at least along the shovels of the gliding surface.

However, it would have been obvious to one of ordinary skill at the time the instant invention was made to have modified the gliding board of the disclosure of Daunis to include a plurality (such as, **regarding claims 8 and 19**, three grooves) of longitudinally extending grooves along the bottom (including, as **regarding claims 6 and 17**) along the sides of the bottom of the gliding surface and to provide (**regarding claims 8 and 19**) a plurality of three grooves, in order to improve tracking responsiveness of the board to the rider's control movements during turns, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.) and that, where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges (such as establishing the number of grooves and the best transverse locations of the grooves on the bottom of the gliding surface would) involve only routine skill in the art (*In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouvet (FR 2427832), cited by Applicant.

As discussed above, Bouvet discloses all of the features of the invention of claim 12 from which claims 17-19 depend.

**Regarding the limitations of claim 17-19**, Bouvet (refer Fig 3 item 8) discloses a longitudinal groove provided in the center of the bottom of the gliding surface but lacks explicit disclosure of a plurality of (three) grooves being provided on a side of the bottom of the gliding surface and providing (re: claim 18) that the grooves extend both along a central portion of the

gliding surface and partially at least along the shovels of the gliding surface. However, it would have been obvious to one of ordinary skill at the time the instant invention was made to have modified the gliding board of the disclosure of Bouvet to include a plurality (such as regarding claim 19, three grooves) of longitudinally extending grooves along the bottom including (regarding claim 17 along the sides) of the bottom of the gliding surface in order to improve tracking of the board during turns since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.) and that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges (such as establishing the best transverse location of the grooves on the bottom of the gliding surface would) involve only routine skill in the art (*In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

***Allowable Subject Matter***

9. Claims 9 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gbklebe / Art Unit 3618 / 21-Nov-04



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